

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

<b>GARRETT AND RALPH SITTS, et al.,</b>  <b>PLAINTIFFS,</b>  <b>v.</b>  <b>DAIRY FARMERS OF AMERICA, INC., and DAIRY MARKETING SERVICES, LLC,</b>  <b>DEFENDANTS.</b>	<b>Civil Action No. 2:16-cv-00287-cr</b>
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**EXHIBIT 7 TO  
THE JUNE 2, 2020 DECLARATION OF  
ALFRED C. PFEIFFER JR.**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**JON D. LEVY**  
CHIEF U.S. DISTRICT JUDGE

156 Federal Street  
Portland, Maine 04101  
(207) 245-3200

May 22, 2020

To the Members of Maine's Federal Bar:

I write to provide an update on the U.S. District Court for the District of Maine's response to the COVID-19 pandemic and our plans for the months ahead. I want to begin by expressing the appreciation of Maine's Federal Judges and our court staff for the efforts that members of the Federal Bar have taken to keep access to justice a reality. The public health and economic crisis confronting every Maine community is unprecedented, and yet there is ample proof that the Bar continues to provide the representation and advocacy that are essential to maintaining the rule of law. It is gratifying to see the members of Maine's Federal Bar uphold their oath to "honor and maintain the dignity of the legal profession, and to serve justice."

U.S. District Court

Beginning in mid-March, the District Court transitioned all of its Clerk's Office, IT and Judicial Chambers employees to home-based teleworking; put in place the technology and protocols required to conduct civil and criminal hearings by telephone and video; and adopted a series of General Orders and practices to guide its operations in this new, largely virtual environment. These steps have enabled our administrative staff to keep docketing and scheduling current, and our Judges to continue to hear cases and issue a steady stream of written decisions and orders.

The District and Magistrate Judges have held a total of 158 telephone and video hearings and conferences in criminal and civil cases since mid-March. Most of the criminal hearings involved defendants who were identified as having a reasonable chance of immediate release from federal custody. We are publishing a [Table](#) on the Court's website that collects the District of Maine judicial decisions that relate in some manner to the COVID-19 pandemic.

We have not held courtroom proceedings in the courthouses since mid-March, but we have kept the doors to the Margaret Chase Smith and Edward T. Gignoux Courthouses open during normal business hours so that lawyers and members of the public can enter to file documents. As of today, the only scheduled in-court proceedings are the possible convening of the Bangor and Portland Federal Grand Juries in July. No criminal or civil juries have been empaneled since early March and we have not set a date for the resumption of jury trials.

The District Court has begun planning for the reintroduction of its employees and the public into our courthouses but has not yet adopted a timetable. Our recovery planning will be based on the Federal Judiciary Recovery Guidelines issued in April by the Administrative Office of the U.S. Courts, as well as the relevant guidance issued by the U.S. Centers for Disease Control and Prevention and the Maine Center for Disease Control and Prevention. I expect that the Judicial Conference of the United States, the governing body of the federal courts, and the Administrative Office of the U.S. Courts will issue additional guidance that will help shape our plans.

The Federal Judiciary Recovery Guidelines establish a phased approach for recovery. We will publish our plans and timetables on the District's website as they are approved. To ensure that the Court's various stakeholders, including the private bar, have a voice in our recovery planning, we will soon announce the formation of an advisory group which will be charged with reviewing and commenting on our recovery plans before they are issued.

#### U.S. Bankruptcy Court for the District of Maine

The Bankruptcy Court was prepared to quickly implement the remote work aspects of its response to the COVID-19 virus. Since March 17<sup>th</sup>, the majority of employees in the Clerk's offices and chambers are working from home. Though the Clerk's offices intake windows are currently closed to the public (other than by prior arrangement), the entire staff continues to actively process the business of the Court and is available to assist the bar and public by phone or email. In-person duties such as processing mail or fulfilling certified copy requests are performed by the skeleton crews that report to the Bangor and Portland offices daily.

Chief Judge Cary and Judge Fagone have been able to adhere to their pre-COVID-19 hearings schedules and, in large part, conduct all of their proceedings telephonically. They are currently scheduling contested evidentiary proceedings to be presented through video means, and are exploring avenues for safely conducting "in-person" proceedings. The Judges greatly appreciate the superb efforts of Acting Clerk David LePauloue and all of the Court staff in helping the Court during this pandemic.

### U.S. Probation and Pretrial Services

The District's Probation and Pretrial Services Office continues to fulfill its mission-critical duties under modified operations. Prior to the outset of the pandemic, Probation and Pretrial Services maintained a robust readiness plan for teleworking and continuity of operations. Currently the vast majority of its staff is on telework status, with limited time spent in the office locations in Bangor and Portland.

The Office's investigations unit continues to operate at a high level in this new environment. Officers are conducting all defendant interviews remotely, as well as assisting attorneys with the use of this technology when requested. The most significant modification in operations relates to personal contact with persons under supervision in the community. To limit exposure for both officers and persons under supervision, officers are maintaining in-person, socially distanced contact only with persons involved in the cases that present the highest level of risk and/or needs. Counseling services have largely continued through contract treatment providers, with most vendors utilizing telemedicine protocols for these services.

### Moving Forward

The Court will not waver in its commitment to dispense justice in a timely and effective manner. As we navigate the challenges presented by the pandemic and its financial consequences, it is important that the judges and administrative leaders understand how the pandemic affects both the practice of law and the ability of the public to access the courts. I invite you to submit your comments and ideas to Christa K. Berry, Clerk of Court, at [Christa.Berry@med.uscourts.gov](mailto:Christa.Berry@med.uscourts.gov) for matters related to the District Court, David LePauloue, Acting Clerk, at [David.LePauloue@meb.uscourts.gov](mailto:David.LePauloue@meb.uscourts.gov) for matters related to the Bankruptcy Court, and Kimberly Rieger, Chief of Probation, at [Kimberly.Rieger@mep.uscourts.gov](mailto:Kimberly.Rieger@mep.uscourts.gov), for matters related to U.S. Probation and Pretrial Services. Please do not communicate any information that relates to a pending or future case or that might in any way constitute a prohibited *ex parte* communication.

I wish good health to you, your associates, families, and loved ones as we move forward in our shared mission of administering justice.

Sincerely,

Jon D. Levy  
Chief Judge